



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18920 of 2022

1. Saravanan
2. Chinna Durai
3. Jothi Muthu

... Petitioners/Accused 1,3&7

Vs

The State Rep. By,
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.293/2022).

... Respondent/Complainant

For Petitioners : M/s.Sivakumar S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

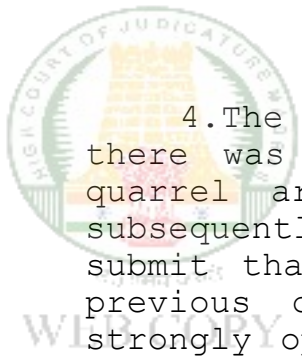
For Anticipatory Bail in Crime No.293/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act in Crime No.293 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 16.10.2022, when the de-facto complainant was standing near temple, the petitioners came there, scolded him in filthy language, attacked him with cable wire and caused simple injury. Hence the complaint.

3.The learned counsel for the petitioners would submit that due to previous enmity, a false case was foisted against the petitioners and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that a counter case in Crime No.292 of 2022 is pending against the de-facto complainant and others.



4.The learned Government Advocate(Crl.Side) would submit that there was a dispute with regarding festival in temple, a wordy quarrel arose between the family members of both parties and subsequently, the said occurrence had taken place. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. However, he strongly opposed to grant anticipatory bail to the petitioners as the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and also the fact that the counter case is pending against the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/10/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-11926[I] dated 27/10/2022)

ORDER
IN
CRL OP(MD) No.18920 of 2022
Date :20/10/2022

tta

USK/SBN/SAR-II/31.10.2022/3P/6C